

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MISC. CRIMINAL CASE NO. 5019 OF 2015**

Rajesh Sahu S/o Shri Amrit Lal Sahu, aged about 40 years, R/o Bashkoat,
P.S. Vishrampuri, District Kondagaon (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through the Station House in-charge, P.S.
Vishrampuri, District Kondagaon (Chhattisgarh)

---Non-applicant

For Applicant	:	Mr. Sourabh Sharma, Advocate
For Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/10/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 67/2015, registered at Police Station Vishrampuri, District Kondagaon (C.G.), for the offence punishable under Sections 294, 323, 354 & 506 (B) of Indian Penal Code.
2. Case of the prosecution, in brief, is that, on 07/08/2015 at about 1:00 P.M., applicant abused and assaulted the complainant and used criminal force and outraged her modesty and thereby committed aforesaid offence.
3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that applicant is prosecuting revenue case against complainant, as such, false case has been registered against him. He would further submit that in three criminal cases i.e. Criminal Case Nos.

133/2015, 134/2015 and 78/2006, applicant has already been acquitted. He would lastly submit that charge-sheet has been filed and applicant is in jail since 08/08/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the nature of offence and circumstances, in which, dispute arose between the parties; in three cases, applicant has already been acquitted; charge-sheet has already been filed; pretrial detention of the applicant since 08/08/2015 and complaint has been lodged by his opponent against whom revenue case is pending, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE